

November 22, 2004

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Re: DT 04-176, Biddeford Internet Corporation d/b/a Great Works Internet, and segTEL, Inc.
Joint Petition for an Expedited Order that Verizon NH Remain Obligated to Provide Line
Sharing

Dear Messrs. Del Vecchio, Samp and Katz:

On October 8, 2004, Verizon New Hampshire (Verizon) filed with the New Hampshire Public Utilities Commission (Commission) segTEL's Notice of Withdrawal of segTEL's Request for Expedited Relief Related to Line Sharing and Joint Motion to Hold the Underlying Petition in Abeyance. On November 5, 2004, Verizon filed a similar motion regarding Biddeford Internet Corporation d/b/a Great Works Internet. Each motion is a joint request that the Commission take no action until November 15, 2004, on the underlying Joint Petition for an Order that Verizon Remains Obligated to Provide Line Sharing.

The motions assert the need for expedited relief has been alleviated because the respective parties have reached interim agreements under which Verizon will continue to accept and provision new line sharing orders after October 2, 2004, at agreed upon rates. A recent ruling of the U.S.

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District Court for the Western District of Texas, *Sage Telecom LP v. Public Utility Commission* (Docket No. A-04-CA-364-SS, Oct 7, 2004), held that similar agreements between CLECs and RBOCs in Texas, must be filed with the state commission. If the agreements were not negotiated for interconnection, services, or network elements pursuant to section 251, the agreements may constitute special contracts pursuant to RSA 378:18.

Accordingly, the Commission requests that the Parties advise the Commission of the status of their ongoing negotiations. The Commission also requests that Verizon advise the Commission regarding its intentions with respect to filing the interim agreements it has reached with GWI and segTEL. The Parties are asked to respond no later than December 1, 2004, so that the docket may proceed in an orderly fashion.

Very truly yours,

Debra A. Howland
Executive Director and Secretary